

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: GADOLINIUM BASED  
CONTRAST AGENTS PRODUCTS  
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDL No. 1909

Judge Dan Aaron Polster

**STIPULATION**

**GEHC DEFENDANTS/FOREIGN ENTITIES**

**IT IS HEREBY STIPULATED AND AGREED**, between the undersigned counsel for the Parties as follows:

1. This Stipulation shall apply to all Plaintiffs and their counsel for actions relating to Gadolinium-based contrast agents (“GBCAs”) that are currently pending in MDL No. 1909, hereafter transferred to these proceedings, or that have been or will be originally filed in this Court (collectively, “the MDL proceedings”) and limited to Defendants General Electric Company, GE Healthcare Inc., GE Healthcare Bio-Sciences Corp., GE Healthcare AS (“GEHC Defendants”) and their counsel in the MDL proceedings.

**SERVICE OF PROCESS**

2. GEHC Defendants admit that GE Healthcare AS, organized pursuant to the laws of the Kingdom of Norway with its principal place of business in Norway, manufactures the Omniscan™ that is distributed, marketed and sold in the United States. GEHC Defendants admit that GE Healthcare Inc., a Delaware corporation with its principal place of business in Princeton, New Jersey, distributes, markets, and sells Omniscan™ in the United States. GE Healthcare Inc. agrees to accept service of process on behalf of GE Healthcare AS, a Norwegian entity. GE

Healthcare AS agrees that GE Healthcare Inc. may accept service of process and discovery on its behalf, agrees to accept service of documents in English, without need for translation into any other language, and agrees to waive any defenses or objections based upon the Hague Convention for process or discovery.

3. Notwithstanding any language contained within this Stipulation, Plaintiffs reserve all of their rights to name and serve process on General Electric Company, and General Electric Company reserves all of its rights, including the right to object to jurisdiction and to seek dismissal or judgment in its favor in the MDL proceedings or in any individual action.

4. Plaintiffs agree to dismiss, without prejudice, GE Healthcare Bio-Sciences Corp. from all actions in the MDL proceedings. GE Healthcare Bio-Sciences Corp. will be dismissed without prejudice based upon the affirmations under oath provided in previous actions by GEHC Defendants. If discovery should reveal that GE Healthcare Bio-Sciences Corp. did have involvement with the Omniscan product such that liability may attach, it is understood and agreed that the MDL Plaintiffs may move to amend to bring GE Healthcare Bio-Sciences Corp. back into the case after the Parties meet-and-confer to discuss the proposed amendment. GE Healthcare Bio-Sciences Corp. waives any statute of limitations defenses other than those that may exist at the time of this Stipulation.

#### **SERVICE OF DISCOVERY**

5. GE Healthcare Inc. agrees to accept service of discovery on behalf of GE Healthcare AS.

6. GE Healthcare AS agrees to produce witnesses and respond to discovery directed to GE Healthcare AS and served upon GE Healthcare Inc. GE Healthcare AS reserves the right to assert any objections, including objections based on relevance, privilege, objections to form,

or objections based upon application of foreign law, except that GE Healthcare AS will not assert objections based upon application of The Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters.

7. Nothing in this Stipulation limits or otherwise restricts the right of the Plaintiffs to serve other General Electric Company entities, divisions or affiliates, with process or discovery, as appropriate under the law.

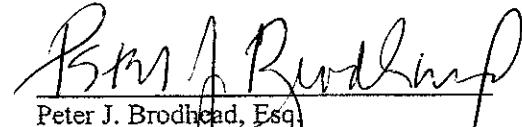
8. This Stipulation may be executed in facsimile counterparts each of which shall be deemed an original and all of which shall be deemed to be one and the same instrument.

9. Each person executing this Stipulation represents and warrants that he or she is authorized to bind to this Stipulation the Party or Parties for whom he or she has signed.

Dated: May 8, 2008

  
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*Co-Chair, Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed electronically on May 12, 2008. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Peter J. Brodhead  
PETER J. BRODHEAD

PLAINTIFFS' LIAISON COUNSEL